

# AGENDA.

## Ordinary Council Meeting

24 September 2024

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 24 September 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.

### Capacity Limit

In accordance with the Certificates of Approval for room capacity under the *Health Act 1911*, attendance will be limited to 100 members of the public. 50 persons in the Council Chamber and 50 persons in the Reception Room. Once the 100 person capacity is reached, no more people will be permitted to enter the building to optimise safety for members of the public, Elected Members, and City employees attending the meeting.

Due to ongoing system upgrades in the Council Chamber and Reception Room to enable video livestreaming of meetings, the Reception Room is currently only available for the public to listen to the audio livestream.

Live audio streaming will be available for people to follow the discussions online and can be accessed via the City's website on the Council Meetings page.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

20 September 2024

# Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

## Our Guiding Values



## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

# Contents

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>	<b>5</b>
<b>2.</b>	<b>DISCLAIMER</b>	<b>5</b>
<b>3.</b>	<b>ANNOUNCEMENTS FROM THE PRESIDING MEMBER</b>	<b>5</b>
<b>4.</b>	<b>ATTENDANCE</b>	<b>5</b>
	4.1 APOLOGIES	5
	4.2 APPROVED LEAVE OF ABSENCE	5
<b>5.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>5</b>
<b>6.</b>	<b>PUBLIC QUESTION TIME</b>	<b>6</b>
	6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
	6.2 PUBLIC QUESTION TIME: 24 SEPTEMBER 2024	6
<b>7.</b>	<b>CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS</b>	<b>6</b>
	7.1 MINUTES	6
	7.1.1 Ordinary Council Meeting Held: 27 August 2024	6
	7.2 CONCEPT BRIEFINGS	6
	7.2.1 Concept Briefings and Workshops	6
	7.2.2 Council Agenda Briefing - 17 September 2024	7
<b>8.</b>	<b>PRESENTATIONS</b>	<b>7</b>
	8.1 PETITIONS	7
	8.2 GIFTS / AWARDS PRESENTED TO COUNCIL	7
	8.3 DEPUTATIONS	7
<b>9.</b>	<b>METHOD OF DEALING WITH AGENDA BUSINESS</b>	<b>7</b>
<b>10.</b>	<b>REPORTS</b>	<b>8</b>
	10.1 STRATEGIC DIRECTION 1: COMMUNITY	8
	10.1.1 Response to Notice of Motion - Sport Spaces Collier Reserve - Option to Lease (WASPs Hockey Club)	8
	10.1.2 RFT 4/2024 - Replacement of Concrete Slab Footpath With In-situ Concrete	16
	10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	20
	10.3.1 Draft Karawara Pedestrian and Cycle Access Plan	20
	10.3.2 Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 6, No. 6/281 Mill Point Road, South Perth	30
	10.3.3 Draft Local Planning Policy - Waste Management (Advertising)	37

<b>10.4 STRATEGIC DIRECTION 4: LEADERSHIP</b>	<b>41</b>
10.4.1 Listing of Payments August 2024	41
10.4.2 Monthly Financial Statements August 2024 and Carry Forward Budget Adjustments	44
<b>10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS</b>	<b>48</b>
10.5.1 Internal Audit - Review of the Internal Audit Log	48
10.5.2 Quarterly Activity Report	51
10.5.3 Audit Register Progress Report - 4th Quarter Update including External Audit Interim Report	56
10.5.4 Policy Review	59
<b>11. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>65</b>
<b>12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>66</b>
<b>12.1 NOTICE OF MOTION - COUNCILLOR ANDRÉ BRENDER-A-BRANDIS - LOCAL HERITAGE SURVEY REVIEW INDEPENDENT CONSULTANT REVIEW</b>	<b>66</b>
<b>13. QUESTIONS FROM MEMBERS</b>	<b>71</b>
<b>13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE</b>	<b>71</b>
<b>13.2 QUESTIONS FROM MEMBERS: 24 SEPTEMBER 2024</b>	<b>71</b>
<b>14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>	<b>71</b>
<b>15. MEETING CLOSED TO THE PUBLIC</b>	<b>71</b>
<b>15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b>	<b>71</b>
15.1.1 Execution of Payments Direction Deed and Adoption of the Revised Charter for the Operations of the Rivers Regional Subsidiary	71
<b>16. CLOSURE</b>	<b>71</b>
<b>APPENDIX</b>	<b>72</b>

# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 12 September 2024 to 13 October 2024, inclusive.

## 5. DECLARATIONS OF INTEREST

- Mayor Greg Milner - Impartiality Interest in Item 10.1.1 as 'I am a former co-patron of WASP Hockey Club. I have also attended a number of South Perth United Football Club events over the years.'
- Councillor Mary Choy - Impartiality Interest in Item 10.1.1 as 'my sons attend Wesley College and have played for WASPS Hockey Club and my husband is a Wesley College old boy and has also played and coached for WASPS Hockey Club in the past.'
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.1.1 as 'myself and my family are members of WASPs Hockey Club, my involvement extends to numerous committee positions, one of those positions being President, I am currently Minkey Coordinator. I was a guest at a dinner at Wesley College recently.'
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.1.1 as 'my son attends Wesley College.'
- Councillor Hayley Prendiville – Impartiality Interest in Item 12.1 as 'one of the nominated persons for the Local Heritage Survey Review is known to me as a neighbour. I was a guest at a dinner at Wesley College recently and my children attend Kensington Primary School.'
- Mayor Greg Milner – Financial, Proximity and Impartiality Interest in Item 12.1 as 'some of the proposed listings either include, or are adjacent to, or are across the road from, properties that are owned or indirectly owned by persons who contributed to my re-election campaign in 2023.'
- Councillor Mary Choy - Impartiality Interest in Item 12.1 as 'some of the Heritage Places listed in the draft Local Heritage Survey are known to me by past or present association and some of the landowners, associates or residents of some of the Heritage Places listed in the draft Local Heritage Survey are or may also have been known to me.'

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

### 6.2 PUBLIC QUESTION TIME: 24 SEPTEMBER 2024

## 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 27 August 2024

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 27 August 2024 be taken as read and confirmed as a true and correct record.

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Concept Briefings and Workshops

Officers of the City/Consultants and invited third party guests provided Council with an overview of the following matter at Concept Briefings and Workshops:

Date	Subject	Attendees
2 September 2024	Karawara Pedestrian Access Ways (PAW) Strategy Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville.
2 September 2024	Bentley Technology Precinct Structure Plan Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville.
2 September 2024	Community Recreation Facilities Plan Review Presentation	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville.
4 September 2024	Manning Bike Track Project Workshop	Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Hayley Prendiville.
4 September 2024	Foreshore Activation and Infrastructure Workshop	Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Hayley Prendiville.

## 7.2.2 Council Agenda Briefing - 17 September 2024

Officers of the City presented background information and answered questions on Items to be considered at the September Ordinary Council Meeting at the Council Agenda Briefing held 17 September 2024.

### Attachments

7.2.2 (a): Briefing Notes

#### Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 17 September 2024

## 8. PRESENTATIONS

### 8.1 PETITIONS

Nil.

### 8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

### 8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 17 September 2024.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Response to Notice of Motion - Sport Spaces Collier Reserve - Option to Lease (WASPs Hockey Club)

File Ref: D-24-38632  
Author(s): Garry Adams, Director Corporate Services  
Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

##### Summary

This report is in response to Council Resolution Number 0224/028, titled 'Notice of Motion – Councillor Bronwyn Waugh - Sport Spaces Collier Reserve - Option to Lease' and presents for Council's consideration a draft Option to Lease and draft Lease document for Collier Reserve in favour of Wesley South Perth Hockey Club (WASPs).

Whilst the Council resolution at its meeting held 27 February 2024 has been acted upon with the Option to Lease and Lease document being developed, the officer recommendation remains consistent with previous recommendations to determine how the WASPs Hockey Club's needs can best be met at the Australian High-Performance Hockey Centre.

An alternate officer recommendation consistent with this resolution is provided at the end of this report. The alternate recommendation is inclusive of all known requirements should Council wish to proceed with the granting of the Option to Lease.

##### Officer Recommendation (Alternate Officer Recommendation page 14)

That Council:

1. Resolves not to grant an Option to Lease any portion of Collier Reserve to Wesley South Perth Hockey Club (WASPs).
2. Requests the Chief Executive Officer to continue to work with Wesley South Perth Hockey Club (WASPs) and Hockey WA to provide for a home at the Australian High-Performance Hockey Centre.

##### Background

At its meeting held 27 February 2024, Councillor Bronwyn Waugh submitted a Notice of Motion providing for Wesley and South Perth Hockey Club (WASPs) to be granted an option to lease a portion of Collier Reserve. Council resolved the following:

1. *Requests the Chief Executive Officer to negotiate with Wesley South Perth Hockey Club (Inc) (WASP) to prepare a deed granting a three-year call option to lease over a portion of Collier Reserve (Option to Lease) for a period of 21 years, subject to the terms identified in clause 2 below.*
2. *Resolves that the Option to Lease include the following terms:*



- a) *the option period within which WASP can exercise the Option to Lease will be three years commencing on the date when the last party signs the Option to Lease, after which time the option will lapse;*
- b) *the Option to Lease cannot be assigned by WASP;*
- c) *the lease to be granted under the Option to Lease (Lease) must include the following terms:*
  - i) *a term of 21 years in respect of the building footprint and the footprint of the hockey field (Leased Premises), with a non-exclusive licence (with priority access by WASP during the hockey season and pre-season) over those other parts of the reserve that sit between the building and hockey field (Licensed Area) for a corresponding term (with construction of the building and hockey field to occur during the term of the Lease);*
  - ii) *the Licensed Area must be available for use by members of the general public for activities such as walking, dog exercise and other passive recreation activities when not in use by the WASP;*
  - iii) *the permitted use of the Leased Premises and the Licensed Area and the rights granted to WASP under the lease must:*
    - (1) *be for the purpose of a 'sport space' in accordance with the priorities outlined in the Key Recommendations of the South Perth Community Facilities Plan 2019 – 2033, principally hockey; and*
    - (2) *be consistent with the Priorities, Outcomes and Strategies, in furtherance of the strategic direction headed 'Community' as outlined in the City of South Perth Strategic Community Plan 2021-2031;*
  - iv) *WASP must, at its expense, keep the Leased Premises and Licensed Area safe and in good, tenable and substantial repair, order and condition (fair wear and tear excepted) having regard to the condition of the Leased Premises as at the date of practical completion of WASP's construction of the building and hockey field;*
  - v) *WASP's repair and maintenance obligations will include structural and capital repairs;*
- d) *WASP's exercise of the option under the Option to Lease will be subject to the following conditions precedent:*
  - i) *WASP obtaining development approval to construct the club facilities building and hockey field within the Leased Premises (Development);*
  - ii) *WASP must demonstrate to the City's satisfaction that it has secured funding for the Development;*
  - iii) *WASP preparing and submitting to the City and the City approving a tree management plan for the Development footprint which endeavours to retain as many existing trees on the reserve as possible and provides for the planting of replacement trees on the reserve to replace those removed during construction (with the Lease to impose an obligation on WASP to comply with this tree management plan);*
  - iv) *WASP is to negotiate in good faith with other user entities or organisations to:*

- (1) *enter into one or more subleases or licenses for the use of all or part of the facilities constructed by WASP at a peppercorn rent and for a minimum area prescribed by the City during the term of the Lease; or*
  - (2) *demonstrate to the satisfaction of the City that it has made all reasonable attempts to reach agreement with other user entities or community based incorporated associations for the use of all or part of the facilities constructed by WASP at a peppercorn rent and for a minimum area under a sublease or licence but failed to reach agreement.*
3. *Notes that entry by the City into the Lease agreement will be subject to:*
- a) *Council approval for the terms of the Option to Lease and Lease and the final boundaries of the Leased Premises and the Licensed Area; and*
  - b) *the consent of the Minister for Lands to the Lease under section 18 of the Land Administration Act 1997; and*
  - c) *such option and lease to be presented to Council at its August 2024 Ordinary Council Meeting*

Previous to this resolution, Council had resolved at its meeting held 27 June 2023 that “Council does not progress to the proposal to establish a synthetic hockey pitch at the Collier Reserve Como.”

Further to that resolution, at its meeting held 25 July 2023, Council instructed the CEO to:

1. *Engage with the Wesley South Perth (WASP) Hockey Club (Club), Wesley College and other relevant stakeholders with a view towards finding an appropriate location within the City of South Perth for:*
  - a) *a clubhouse;*
  - b) *grass hockey grounds; and*
  - c) *synthetic hockey turf grounds, appropriate for the needs of the Club’*
2. *That a report to Council on the above be presented to Council for consideration at an appropriate time, but by no later than the February 2024 Ordinary Council Meeting.*

In response to this resolution a report detailing the investigations carried out was presented to Council at its meeting held 27 February 2024. There were no other suitable locations identified as all locations would require relocation of existing users and/or would impact on nearby residents.

Collier Reserve is located on approximately 35,900m<sup>2</sup> located at 181 Thelma Street, Como, being Reserve 26820 (vested in the City for the purpose of Recreation). The City has the power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands. The land is zoned ‘Reserve’ under the Metropolitan Region Scheme (MRS) and ‘Parks and Recreation’ under Local Planning Scheme No. 7.

Collier Reserve is an active playing space and is currently used by the South Perth Junior Cricket Club during the summer and South Perth United Football Club for organised sport. It is also used on occasion by South Perth Baseball Club.

There are also casual users including two social soccer groups Sherab Dorji and Tsering Dorji, who book the reserve at various times. At other times the Reserve is used by members of the public for recreational activities, such as dog walking.

Hollywood Functional Rehabilitation Clinic hold a licence over a portion of the Collier Pavilion not including the changerooms.

The site consists of:

- Ovals;
- Parking spaces; and
- Collier Pavilion.

It sits adjacent to Collins Reserve, which is leased directly to Wesley College by the State. Collins Reserve is used for various school sports, with usage being determined by Wesley College.

WASPs is one of the oldest associations operating within the district of South Perth. It has operated within the district of South Perth for 90 years and has over 700 members consisting of approximately half men and women and half juniors and seniors.

WASPs currently has a lease (jointly with South Perth Cricket Club) over the Pavilion at Richardson Park. It has six turf hockey fields at Richardson Park which are utilised for both training and playing. The higher-grade senior and junior teams are unable to play their home games at this location due to the lack of a synthetic surface.

WASPs has long advocated for the development of a synthetic hockey turf to enable it to play its home games in South Perth. The club has argued that its future success is dependent on having a single home within South Perth that would accommodate its synthetic playing surface, its clubhouse and grass practice and playing areas.

With the support of the City, and in recognition that Richardson Park was unlikely to accommodate a synthetic playing surface, WASPs prepared a feasibility study for the Collier Reserve site. At the time of the feasibility study, and currently, the nearest synthetic hockey field located at Curtin University provides limited access, as it is prioritised for Hockey WA, State and National teams. However, the proposed redevelopment of this site to be the Australian High-Performance Hockey Centre that was announced in December 2022, presents a much greater opportunity for access by WA Hockey Clubs on its four synthetic turfs. The feasibility study was presented to Council at the 27 June 2023 meeting, where Council determined not to proceed.

Further, discussions between the City and Hockey WA have indicated that there is an opportunity for WASPs to play its home games at the Centre and for WASPs to utilise the clubrooms on a shared basis.

Whilst WASPs continues to believe that their needs cannot be properly met at Perth Hockey Stadium and wish to progress with the proposed development on Collier Reserve, City officers do not believe that this represents the best outcome for the residents of South Perth (as a whole), because it will require the relocation of other users and prevent a large portion of the Reserve from being available for use as public open space. It will also represent a duplication of a facility that is already being developed within very close proximity.

#### **Officer Comment**

Following the resolution of Council at its meeting held 27 February 2024, City Officers and WASPs office bearers met to discuss the Council resolution and the processes that would be followed before a lease could be granted.

### 10.1.1 Response to Notice of Motion - Sport Spaces Collier Reserve - Option to Lease (WASPs Hockey Club)

City officers instructed lawyers to prepare a draft Option to Lease and Lease agreement which was forwarded to WASPs Hockey Club for feedback and comment. In addition to the terms specified in the Council resolution, the documents contained a number of clauses that would be considered standard for such agreements on Crown Land managed by the City. Some of these are able to be varied by negotiation to suit specific circumstances and some are not as they transfer risk back to the City. The leased area will be for exclusive use of the WASPs Hockey Club and represents an area of approximately 12,000m<sup>2</sup> with the proposed non-exclusive licensed area being approximately 15,500m<sup>2</sup>.

WASPs Hockey Club's lawyers reviewed the documents and requested some changes. These were presented back to the City and referred back to the City's lawyers for consideration.

The City's lawyers have made some of the requested amendments and City officers are comfortable with these amendments. To protect the interests of the City and the State, there are a number of requested amendments that have not been accepted in accordance with legal advice. The revised Option to Lease and Lease Document was forwarded to WASPs Hockey Club for in principle agreement. WASPs representatives have indicated that, whilst they believe more of their requested changes should be included, they are willing to recommend acceptance of the lease terms to their committee, subject to Council endorsing the documents.

It is important to note that Collier Reserve is Crown Land and that any lease will require the approval of the Minister for Lands. The need for the facility and the proximity of the land to the proposed new high- performance centre would likely be considered during this process.

Additionally, consistent with *Department of Planning, Lands and Heritage - Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space*, any development application on this land will require the consideration of the Western Australian Planning Commission prior to determination, with the applicant being required to demonstrate that:

- (i) The nature and scale of the proposal is compatible with the use and zoning of surrounding land, the nature and purpose of the reserved land and the environmental character of the location;
- (ii) There is a community need for the proposed facility in the proposed location;
- (iii) The community and local government support the proposal;
- (iv) The proposal can be integrated with other planned facilities and sharing of facilities by more than one incorporated club, community group or private business; and
- (v) The proposal is consistent with existing and/or proposed land use and management plans.

#### **Petition**

In December 2021, the City received a petition containing 359 verified signatures which reads:

*“We the undersigned electors of the City of South Perth request:*

*That Council refuse the proposed relocation of the Wesley South Perth Hockey Club (WASP) from Richardson Reserve, South Perth to Collier Reserve, Como, incorporating a new synthetic hockey turf, grass hockey fields and clubroom facility.”*

Since this petition was received, the Friends of Collier Reserve group has continued to actively oppose the relocation of WASPs Hockey Club and various members have attended numerous Council meetings to voice their concerns.

### **Consultation**

If the development of the synthetic hockey turf does proceed, consultation will be required with current licensees based at Collier Reserve as well as regular users and surrounding residents.

### **Policy and Legislative Implications**

The following Policies are relevant to this report:

- P106 Use of City Reserves and Facilities
- P110 Financial Support of Community Organisations and Sporting Clubs
- P609 Management and Sale of City Property

*Local Government Act 1995* section 3.58

*Land Administration Act 1997* section 18

Local Government (Administration) Regulations 1996 Regulation 10

Department of Planning, Lands and Heritage - Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space

### **Financial Implications**

Building a high-cost single user asset on Crown Land vested in the City, presents significant long-term financial risks for the club and the City.

### **Conclusion**

The City needs to ensure it considers the duplication of facilities, future asset management and appropriate use of resources to provide for a variety of recreational needs throughout the City. Given discussions with Hockey WA have indicated that four synthetic turfs will be constructed at the (Perth Hockey Stadium) High-Performance Hockey Centre, with access for WASPs for all home games, the City considers that if Hockey WA can provide suitable access to synthetic turfs and other facilities, an additional turf is not required to be built in the district.

The City also sees significant future financial risks with such an asset being built by a single club on Crown Land under its management. The costs of operating such a facility are significant and as the asset ages, the maintenance costs will increase over time. If the club is unable to maintain the facility, the operating costs or costs of decommissioning would ultimately fall to the City. The City would also bear the ultimate responsibility for future asset replacement costs.

### Alternate Officer Recommendation

That Council:

1. Subject to the Minister for Lands' prior consent to the Option to Lease and Lease in accordance with section 18 of the *Land Administration Act 1997*, resolves to grant an Option to Lease in accordance with draft Option to Lease and Lease documents as per **Attachment (a)** and **Attachment (b)**.
2. Authorises the Chief Executive Officer to seek Ministerial approval for the Option to Lease and Lease in accordance with Section 18 of the *Land Administration Act 1997*.
3. Authorises the Chief Executive Officer and Mayor (subject to Ministerial approval) to execute the Option to Lease agreement, inclusive of any changes of a minor nature, required by the Minister.
4. Subject to all terms and conditions within the Option to Lease being met, and subject to Ministerial approval, authorises the Chief Executive Officer and the Mayor to execute the Lease Agreement inclusive of any changes of a minor nature, required by the Minister or subsequently negotiated with Wesley and South Perth Hockey Club.
5. Agrees that 1 to 3 above is subject to Wesley South Perth Hockey Club agreeing to surrender its lease over WCG Thomas Pavilion at Richardson Park, upon occupancy of any proposed development at Collier Reserve.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	The City will continue to advocate for WASPs to have greater access at the redeveloped Perth Hockey Stadium/High Performance Hockey Stadium. The City will continue to support WASPs playing and training at Richardson Park and will undertake work to improve lighting and facilities there.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain, plan, develop and facilitate community infrastructure to respond to community needs and priorities

### Attachments

10.1.1 (a):	Draft Option to Lease Agreement
10.1.1 (b):	Draft Ground Lease Agreement
10.1.1 (c):	Proposed Layout at Collins and Collier Reserve



## 10.1.2 RFT 4/2024 - Replacement of Concrete Slab Footpath With In-situ Concrete

File Reference: D-24-38634  
Author(s): Jan Augustin, Manager Engineering Services  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

### Summary

This report considers submissions received from the advertising of Tender 4/2024 for the Replacement of Concrete Slab Footpath With In-situ Concrete.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

### Officer Recommendation

That Council:

1. Accepts the tender submitted by Axiis Contracting Pty Ltd for the Replacement of Concrete Slab Footpath With In-situ Concrete in accordance with Tender Number 04/2024 for the period of three years with an option to renew for a further two one-year periods at the City's sole discretion;
2. Accepts the estimated tender price included in **Confidential Attachment (a)**;
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with Axiis Contracting Pty Ltd for the Replacement of Concrete Slab Footpath With In-situ Concrete.

### Background

A Request for Tender (RFT) 4/2024 for the Replacement of Concrete Slab Footpath With In-situ Concrete was advertised in The West Australian on 29 June 2024 and closed at 2pm on Tuesday 16 July 2024.

Tenders were invited on a schedule of rates basis. Pricing shall be fixed for the initial 12 months (year one) of the three-year contract term and is subject to rise and fall for the remainder of the contract term.

The contract is for the period of three years with an option to renew for a further two one-year periods at the City's sole discretion.



### Comment

At closing of the tender advertising period five submissions had been received. These are tabled below:

TABLE A – Tender Submissions

Tender Submission
Dowsing Group Pty Ltd
Forrest Civil Pty Ltd
Miraplex Group Pty Ltd
SFG Construction Pty Ltd
Axiis Contracting Pty Ltd

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects/supply similar goods	30%
2. Skills & Experience of Key Personnel	40%
3. Demonstrated Understanding and Methodology	30%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender (RFT) 4/2024 Replacement of Concrete Slab Footpath With In-situ Concrete, it is recommended that the tender submission from Axiis Contracting Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995*- tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

*(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*

The following Council Policies also apply:

- Policy P605 - Purchasing
- Policy P607 -Tenders and Expressions of Interest

### Financial Implications

The full cost of the works is included in the 2024/25 budget.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Environmental Damage</b></p> <p>Includes any detrimental impact upon the natural environment within the City. This includes pollutant spillages and leakages, failure to maintain or enhance the natural environment within the City or its connections with its natural or municipal neighbours</p> <p><b>Business Interruption</b></p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome</p>
	<p><b>Risk rating</b></p> <p>Low</p>
	<p><b>Mitigation and actions</b></p> <p>Approval of the report at the September OCM.</p>

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Develop, manage, maintain and optimise the use of the City's properties, assets and facilities

### Attachments

10.1.2 (a):	RFT 4/2024 - Replacement of Concrete Slab Footpath With In-situ Concrete ( <i>Confidential</i> )
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## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Draft Karawara Pedestrian and Cycle Access Plan

File Ref: D-24-38635  
Author(s): Samantha Taylor, Senior Strategic Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is for Council to endorse the draft Karawara Pedestrian and Cycle Access Plan for advertising.

#### Officer Recommendation

That Council advertises the draft Karawara Pedestrian and Cycle Access Plan, as contained at **Attachment (a)**.

#### Background

Karawara was developed in 1973 as a State Government initiative in accordance with Radburn design principles, which separates pedestrians from cars and is typified by the backyard of houses facing the street, and the front of the dwellings facing areas of public open space (POS) or common property.

Consequently, there are no 'through' roads in Karawara, with cross-suburb movement directed along areas of public open space – the 'Greenway'. The Greenway comprises wide nodes of POS along the centre of the suburb, with narrower linear lengths of POS connecting to perimeter roads via narrow, predominantly enclosed footpaths known as Pedestrian Access Ways (PAWs).

PAWs were originally established as part of land subdivision in accordance with section 20A of the, then, *Town Planning and Development Act 1928*. They were provided as a means of providing for the unimpeded movement of pedestrians and cyclists in and around residential neighbourhoods following the change from traditional grid pattern road layouts to car dominated designs based on cul-de-sac and loop roads. PAWs often contain infrastructure such as water, sewer and gas pipes, which were otherwise provided along streets.

PAWs are often associated with anti-social behaviour given the lack of passive surveillance available, and the City has received numerous requests for the closure of PAWs throughout Karawara. Notwithstanding, given the essential infrastructure located in PAWs and the role they play in facilitating movement throughout the suburb, a coordinated approach to requests related to PAWs is required.

The draft Karawara Pedestrian and Cycle Access Plan (draft Plan) has been prepared to provide a framework to assess future requests to alter PAWs in Karawara, as well as guide future decisions relating to infrastructure and maintenance.

The draft Plan is an action of the City's Integrated Transport Plan and has been prepared in accordance with the Western Australian Planning Commission's (WAPC) endorsed Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines (2009) (the Guidelines). A copy of the draft Plan is available at **Attachment (a)**.

Separately, in 2021, Council supported a request to close the PAW and area of attached linear POS between Yallambee Place and Koolunda Court (PAW No. 28 in the draft Plan). This decision has been reflected in the draft Plan and is progressing with the Department of Planning, Lands and Heritage (DPLH).

**Comment**

Approach

Preparation of the draft Plan is required to be undertaken in accordance with the Guidelines. The processes undertaken to date and the remaining steps are discussed below:

Process	Comment
Define the plan area	Determination of draft Plan area based on extent of PAWs and extent of Radburn designed area.
Research and review	Review of historical subdivision data, PAW closure studies (1993 and 2012), previous Council decisions, Karawara Public Open Space Master Plan + Collaborative Action Plan 2015 and closure requests.
PAW mapping	Identification of 32 PAWs and attached areas of linear POS that broadly align with the suburb of Karawara and extend to west to include Meath Care Aged Services, properties on both sides of Abjornson Street and Curtin Primary School. Refer to <b>Attachment (b)</b> for map of subject PAWs.
Community facility mapping	Identification of community facilities using geographic information systems.
Connectivity assessment (community facilities and public transport within 400m and 800m radius)	Undertaking a pedestrian counting exercise for 30 minutes each Monday and Wednesday morning and afternoon over a 6-week period in February – March 2024 to understand how each PAW is used.  Analysing geospatial representation of human mobility data to better understand activity and movements within each PAW over time. This was mapped using mobile phones and similar devices used only within the Greenway and PAWs between June 2021 and June 2024.
Infrastructure provider identification	Identifying service utility providers in each PAW through a ‘Dial Before You Dig’ request.

PAW inspection and assessment	Undertaking a physical assessment of each PAW to understand physical condition, connectivity role, and design features.
Connectivity assessment (crime prevention through environmental design principles)	Evaluating the safety and security of each PAW using the situational crime prevention assessment methodology outlined in the planning guidelines 'Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways' 2009.
Assessment report and draft Plan	Preparing a draft Plan that identifies the role of each PAW and associated linear POS reservation in terms of functionality as either 'Essential' or 'Non-Essential'.
Consultation with other agencies	Requesting feedback on the potential PAW closure from service infrastructure providers including ATCO, NBNCo, Water Corporation and Western Power.
Consultation with community	Should Council adopt the draft Plan for the purpose of advertising, consultation with the community will be undertaken.

#### Recommendations - Essential or Non-Essential PAWs

The Guidelines require the information obtained from the above assessment to be compiled into a draft Plan which identifies the PAWs and provides a classification for the role of each PAW in respect to its functionality using the following criteria:

- Essential (E) - the pedestrian access way should be retained and kept open because it plays an essential role in the local movement network; and
- Non-Essential (NE) - the pedestrian access way could be closed without causing significant disadvantage to local residents because it is not essential to the local movement network.

The recommendations for each PAW are provided below:

PAW No.	PAW Recommendation	Recommended Infrastructure Improvements	Additional Recommendations
1	Essential	Recommend new directional signage for both entries and 1.5m footpath extension around bollards.	
2	Non-Essential	No improvements as currently inaccessible.	Land currently closed to public access.  Recommend formalising current state of 'closure' with DPLH.

PAW No.	PAW Recommendation	Recommended Infrastructure Improvements	Additional Recommendations
3	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing-off concealment indentation.	
4	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
5	Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	
6	Non-Essential	No improvements as currently inaccessible.	Land closed to public access.  Recommend formalising current state of 'closure' with DPLH.
7	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	
8	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
9	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	Identify alternative north-south bike path between Jackson Road and Gillon Street in future Bike Plan.
10	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
11	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	

PAW No.	PAW Recommendation	Recommended Infrastructure Improvements	Additional Recommendations
12	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
13	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
14	Non-Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
15	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	Recommend review should No. 14 Bunderra Close be redeveloped.
16	Essential	Recommend new directional signage, 1.5m footpath extension around bollards and mirrors.	Recommend review should Nos. 14-16 Bunderra Close be redeveloped.
17	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
18	Non-Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	Recommend PAW closure and amalgamation of POS into PAW No. 17 should PAW No. 21 be closed or No. 36 Walanna Drive be redeveloped.
19	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
20	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
21	Non-Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	Recommend PAW closure and amalgamation of POS into PAW No. 17 should PAW No. 21 be closed or No. 38 Walanna Drive be redeveloped.
22	Essential	Recommend new directional signage, 1.5m footpath	Recommend review should Nos. 24 or 27



PAW No.	PAW Recommendation	Recommended Infrastructure Improvements	Additional Recommendations
		extension around bollards, mirrors and lighting along east-west path.	Melinga Court be redeveloped.
23	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
24	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	Recommend review should No. 20 Boona Court be redeveloped.
25	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	Preferred alternative north-south local bike route location connecting through Lurnea Place.
26	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	Identify alternative north-south bike path between Jackson Road and Gillon Street in future Bike Plan.
27	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.	
28	Non-Essential	No improvements recommended as subject to closure application.	Subject of current closure with DPLH.
29	Essential	Recommend new directional signage, 1.5m footpath extension around bollards and additional path connecting between PAW and road.	
30	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation to improve safety.	
31	Essential	Recommend new directional signage and additional path connecting between PAW and road.	

PAW No.	PAW Recommendation	Recommended Infrastructure Improvements	Additional Recommendations
32	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.	

#### PAW Closure Process

The process for PAW closure in accordance with an endorsed Plan is outlined in the Guidelines, which is summarised as follows:

- Request for PAW closure received;
- Request referred to infrastructure providers for comment;
- Request referred to abutting landowners for comment seeking written support for the closure, agreement on how the land will be divided and commitment to meet costs associated with closure;
- Report prepared and submitted to the DPLH, confirming request is in accordance with endorsed Plan;
- The DPLH confirms request;
- Local government to formally resolve to proceed with closure request;
- Closure undertaken in accordance with the *Land Administration Act 1997*, including preparing of detailed surveys and valuations by the valuer general;
- PAW closure and a subsequent amalgamation of remnant, reserved Crown or freehold land can occur in accordance with appropriate sections under the *Land Administration Act 1997*.

Whilst the draft Plan will provide the City with a framework against which future requests to alter or close PAWs will be considered, it is not intending to progress closures. Landowners seeking to alter or close PAWs will be required to initiate the request and incur costs associated with the process as outlined above. The City will however, request the obstructed 'closed' PAW Nos. 2 and 6 be formalised.

#### Recommended PAW Improvements

Proposed infrastructure improvements are detailed below:

Infrastructure	Recommendation
Entry treatments and signage	<p>Greenway entry treatments and signage to support the pedestrian movement network, link areas of disconnected POS, and attract additional patronage including:</p> <ul style="list-style-type: none"> <li>• Develop a style guide for directional signage and entry statements.</li> <li>• Install PAW directional signage where cul-de-sacs intersect with ring roads.</li> </ul>

	<ul style="list-style-type: none"> <li>• Install PAW directional signage where PAW entry intersects with the cul-de-sacs.</li> <li>• Install directional signage within the Greenway to assist navigation to outside points of interest (nearest street, bus stop, community facility and/or local attractors).</li> </ul>
Concealment Locations	<ul style="list-style-type: none"> <li>• Remove where possible.</li> <li>• Install temporary fencing to 'close' concealment indentations for a 12 month trial period from PAW Nos. 3, 5, 7, 9, 11, 26, 32. At the end of this period, the City will liaise with the adjoining community and report to Council on the outcome of the trial and whether to proceed to formalise closure.</li> </ul>
Landscaping Lighting	<ul style="list-style-type: none"> <li>• Trim landscaping where it hinders accessibility and visibility.</li> <li>• Install additional lighting at PAW No. 22 around a 90 degree corner.</li> </ul>
Mirrors	<ul style="list-style-type: none"> <li>• Install mirrors to improve visibility for PAW Nos. 16 and 22.</li> </ul>
Footpath Design	<ul style="list-style-type: none"> <li>• Install additional paving around bollards to achieve 1.5m minimum footpath clearance for prams and wheelchairs.</li> <li>• Install a dedicated footpath between the public street and PAW entrance for PAWs Nos. 29 and 31 to improve legibility and accessibility.</li> <li>• Explore measures to improve accessibility of PAW Nos. 22 and 23 (e.g. footpath).</li> <li>• Remove remnant structures with no identified benefit.</li> <li>• Repair buckled section of footpath in PAW No. 19.</li> </ul>
Bike and Pedestrian Paths	<ul style="list-style-type: none"> <li>• Review 'local' routes for bike movement providing north-south connections in Western Karawara between Jackson Road and Gillon Street. The preferred route is between Lurnea Place cul-de-sac and PAW No. 25.</li> <li>• Use coloured paving such as red asphalt or similar path treatment for key east-west connections.</li> </ul>

**Consultation**

Should Council proceed with the draft Plan, the City intends to advertise the draft Plan for a period of 31 days as follows:

- Consultation with relevant State Government agencies as required by the Guidelines, including but not limited to DPLH, Public Transport Authority, Department of Education, Disability Services Commission and Crime Prevention and Community Liaison;
- Consultation with Service Utility Providers;
- A project specific page on the City’s YourSay page and e-news;
- Mail out letters to residents, businesses, owners, local interest groups; and
- Community drop-in information session at the Village Green Shopping Centre (Karawara).

**Policy and Legislative Implications**

*Land Administration Act 1997 – Section 87.*

Western Australian Planning Commission - Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines (2009).

**Financial Implications**

Proposed infrastructure upgrades are currently estimated at \$63,665 subject to final design of signage and footpath improvements. Should Council endorse the draft Plan following advertising, it is recommended an allocation be made in subsequent annual budgets for this purpose.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City has prepared the Karawara Pedestrian Access Way Strategy in accordance with the Guidelines. Future closures would be undertaken in accordance with the requirements of the <i>Land Administration Act 1997</i> .

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Attachments

10.3.1 (a):	Draft Karawara Pedestrian and Cycle Access Plan
10.3.1 (b):	Plan of Pedestrian Access Ways in Karawara

### 10.3.2 Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 6, No. 6/281 Mill Point Road, South Perth

Location: 6/281 Mill Point Road, South Perth WA 6151  
Ward: Mill Point Ward  
Applicant: Keith Baird  
File Reference: D-24-38637  
DA Lodgement Date: 20 June 2024  
Author(s): Harry Rosenthal, Urban Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 6, No. 6/281 Mill Point Road, South Perth.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 6, 6/281 Mill Point Road, South Perth **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The use must be undertaken in accordance with the submitted Management Plan dated June 2024, to the satisfaction of the City of South Perth.

**Note:** The City will include any relevant advice notes in the determination notice.

<b>Applicant</b>	Keith Baird
<b>Landowner</b>	Ms Mary J Verschuer

#### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R60
<b>Lot area</b>	102m <sup>2</sup>



**Comment**

**(a) Background**

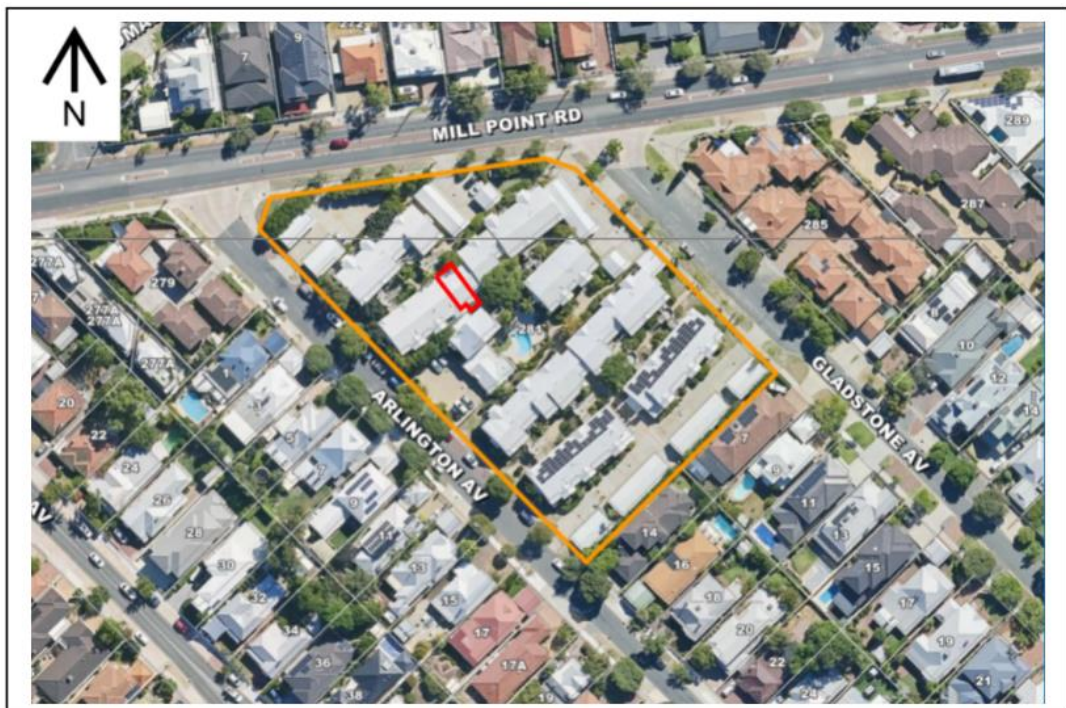
In June 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 6, No. 6 /281 Mill Point Road, South Perth.

**(b) Description of the Surrounding Locality**

The existing development is a Multiple Dwelling complex, comprising of a total of 48 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the ground floor of a two-story building and positioned within the centre of the complex.

The site is located within 300m of Sir James Mitchell Park and 600m from Angelo Street, which contains several cafes, restaurants, retail shops, and supermarkets. These features are of a tourism significance.

The site has frontage to Mill Point Road to the north, Arlington Avenue to the west, and Gladstone Avenue to the east and is surrounded by residential development as seen in **Figure 1** below:



**Figure 1:** Aerial image of subject site. The property the subject of this application is outlined in red.

**(c) Description of the Proposal**

The applicant is seeking a Change of Use from a Multiple Dwelling to Holiday Accommodation.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of four guests;
- Check-in time is between 2:00pm – 9:00pm; checkout time is between 7:00am – 11:00am;
- The use is to be managed by a registered property management business;

10.3.2 **Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 6, No. 6/281 Mill Point Road, South Perth**

- Neighbouring owners and occupiers will be provided with the contact details of the site manager and the Management Plan for the development;
- Any complaints will be registered in a register of complaints held by the property management business;
- A specialised software is utilised during the booking process to screen and verify guests before the booking is accepted, including only accepting guests with existing 5-star ratings on booking platforms;
- Activities including ‘parties,’ gatherings or functions are strictly prohibited;
- Guests and visitors must not create noise which has the potential to create a nuisance to occupiers of neighbouring properties after 9:00pm – 7:00am (Monday to Saturday) and 9:00pm – 9:00am (Sunday);
- A guest guide with rules, instructions and manuals will be provided on arrival. This includes information such as contact details and a code of conduct;
- Arrival procedures, such as parking, wayfinding and access to dwelling to be provided to guests prior to the arrival date; and
- Guests will be advised that only one vehicle is to park within the premises in the exclusive use car bay allocated to the dwelling.

The development plans submitted as part of this application and Management Plan for the development are contained in **Attachment (a)**.

**(d) Land Use**

Holiday Accommodation is a ‘D’ (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

**(e) Short Term Accommodation Policy**

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City’s Local Planning Policy P350.18 – Short Term Accommodation.

**(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)**

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.



10.3.2 **Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 6, No. 6/281 Mill Point Road, South Perth**

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

**(g) Compatibility and Amenity**

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Holiday Accommodation is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of four guests and one vehicle which is consistent with the expected number of persons within a two-bedroom residential dwelling.

A Management Plan and visitor guide has been provided, mitigating potential issues surrounding noise, parking and activity. Further, party events and/or large gatherings are strictly prohibited will result in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area. The property will also be managed by a property manager.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

**(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024**

In April 2024, the State Government released amendments to the Regulations to introduce 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses and associated exemptions from the requirement to obtain development approval.

The proposed use is considered 'Unhosted Short-Term Accommodation' as the owner or occupier, or an agent of the owner or occupier, does not ordinarily reside at the dwelling nor will reside during the short-term rental arrangement.

When the Regulations come into effect (anticipated late 2024), Unhosted Short-Term Rental Accommodation (STRA) will be exempt from the requirement to obtain development approval if the property is not rented as short-term accommodation for greater than 90 nights in a 12-month period.

The applicant seeks approval to provide greater use of the premises for STRA, however should Council refuse the application, the applicant will be able to use the premises for STRA for less than 90 nights in a 12-month period without development approval once the Regulations is in effect in any instance.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(i) **Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 19 July 2024 and 2 August 2024 in the following manner:

- A total of 77 letters were sent to owners and occupiers of properties within the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, three submissions were received. The submissions are provided in the table below, in addition to the Officer’s comments:

Matter	Comment
<p><u>Noise</u></p> <p>Changing the use for unit 6 (and potentially others that may follow) will detract from the quiet nature of the apartment complex.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties are not permitted. The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Should noise issues arise, the City can undertake noise monitoring to ensure compliance.</p>
<p><u>Tenant Turnover</u></p> <p>The expected increase in turnover of tenants over shorter time periods (especially if more units seek a similar “change in use”) is not desirable.</p>	<p>The proposal does not include a maximum length of stay period and as such, the premises could be booked for longer-term accommodation.</p> <p>Holiday Accommodation is a use that can be considered within the Residential zone and as such, the City is required to consider the application on its merits. Should further applications be received in the complex, they will be considered on their individual merits.</p>
<p><u>Desired Use</u></p> <p>The preference remains to keep all units within the location as longer-term accommodation.</p>	<p>Whilst it is acknowledged that the submitter seeks longer-term residents, Holiday Accommodation is a use that can be considered within the Residential zone and as such, the City is required to consider the application.</p>
<p><u>Anti-Social Behaviour</u></p> <p>The change of use of unit 6 will present a security risk to the complex and a potential for increased damage.</p>	<p>The proposed Holiday Accommodation will be managed by a professional management company.</p> <p>The applicant has submitted a code of conduct, guest guide and management plans detailing that complaints will be</p>

	<p>actioned within one hour of receipt and that all guests will be screened during the booking process, to flag undesirable guests and discourages any anti-social behaviour.</p>
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**Policy and Legislative Implications**

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) granting development approval with no conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

**Financial Implications**

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Reputational Damage</b></p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
<b>Risk rating</b>	<p>Low</p>
<b>Mitigation and actions</b>	<p>Risk acceptable with adequate controls, managed by routine procedures and monitoring.</p>

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Environment (Built and Natural)
- Aspiration: Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
- Outcome: 3.2 Sustainable built form
- Strategy: 3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Conclusion

One objection was received during the consultation period and the City acknowledges the preference from the submitter for longer term occupancy of the unit and that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

The proposal is small in scale and is consistent with the City's Local Planning Policy P350.18 – Short Term Accommodation. Therefore, the proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the application be approved subject to conditions.

### Attachments

- 10.3.2 (a): Management Plan and Supporting Documents
- 10.3.2 (b): Submissions

### 10.3.3 Draft Local Planning Policy - Waste Management (Advertising)

File Ref: D-24-38639  
Author(s): Jeremy Versaico, Urban Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is for Council to consider adopting a new draft Local Planning Policy – Waste Management for the purpose of advertising.

#### Officer Recommendation

That Council pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Waste Management.

#### Background

The City's Waste Guidelines provide guidance to applicants and decision makers as to how new developments should be designed to accommodate the City's waste collection services, including waste collection and retention and building design considerations.

Whilst suitable to guide applicants in the design of new buildings, the Guidelines do not form part of the local planning framework and as such, assessment criteria for waste management are otherwise only provided in the Residential Design Codes, which do not provide criteria specific to the City's waste collection arrangements.

The City's Local Planning Strategy was endorsed in March 2021 and identifies short-, medium- and long-term planning and development priorities for the City. A medium-term action of the Strategy was to develop a waste management local planning policy that reflects the principles of any adopted waste and resources management plan of the City and outlines how waste should be managed in new development.

The draft Local Planning Policy - Waste Management (draft LPP) has been prepared and is further discussed in this report. A copy of the draft LPP is contained in **Attachment (a)**.

#### Comment

##### Draft LPP Requirements

The specific provisions proposed in the draft LPP include:

Consideration	Draft Policy Provision
Application	The draft LPP will apply to Grouped dwellings (5 or more), Multiple dwellings, mixed use development and non-residential development. The draft LPP does not apply to application for a Single House.
Waste Management Plans	The draft LPP sets out when a waste management plan is to be submitted as part of a development application. The draft LPP requires a waste management plan to be submitted for Grouped or

	<p>Multiple dwelling developments proposing five or more dwellings, and all mixed use and non-residential development.</p> <p>Five dwellings are the threshold for a waste management plan for Grouped dwellings as this would generally result in 10 bins being collected (one waste and one recycling for each dwelling). Specific information demonstrating how the collection of 10 bins is to be managed in relation to the lot frontage is required.</p> <p>The draft LPP also outlines what information is required to be submitted as part of a waste management plan.</p>
Waste Generation Rates	<p>Waste generation rates have been provided as an appendix to the draft LPP. These rates are contemporary and incorporate waste generation rates recommended by the Western Australian Local Government Association, where applicable.</p>
Off-Site Servicing	<p>Off-site servicing (i.e. collection of waste from the kerb of a property) is only supported when a proposal meets the criteria listed in the draft LPP. This includes a maximum number of bins to be collected, the amount of street frontage taken up by the bins, and suitable areas for the placement of the bins so that they do not obstruct pedestrians, street trees and sightlines. If a proposal does not meet these requirements, on-site servicing will be required.</p>
On-Site Servicing	<p>The draft LPP contains requirements where on-site servicing is required where off-site servicing cannot be achieved, including bin store size and location, overhead clearance and access requirements for waste collection vehicles.</p> <p>The draft LPP makes special provision for the collection of waste by the small waste truck operated by the City's contractor for residential developments within the Canning Bridge Activity Centre Plan (CBACP), where the waste generation rates of general waste is below 10,000L per week, and where the constraints of the site (e.g. lot size, frontage) limits use of the standard rear loader.</p> <p>The small waste truck is proposed only for the CBACP area, as the City's contractor is limited in its scope to provide a small waste truck service. The nature of existing development within the CBACP area mean that on-site collection is constrained by the smaller lot sizes and frontages. This will ensure that waste collection vehicles are able to manoeuvre on-site in a safe manner, such that developments on smaller lots remain capable of being serviced.</p>
Bin Storage Areas	<p>The draft LPP requires bin storage areas to be located within the development site, to be of an adequate size to contain all bins and be screened from view. Communal bin storage areas have additional requirements which include access to a mains water supply, plumbed sewer draining outlet, and ventilation in accordance with the relevant Australian Standards.</p>

#### Relationship to Residential Design Codes

The draft LPP contains requirements that augment the relevant deemed-to-comply and acceptable outcomes of the Residential Design Codes Volume 1 and 2. Variations to the acceptable outcomes of the Residential Design Codes Volume 2 require approval from the Western Australian Planning Commission (WAPC). As such, a copy of the draft LPP is required to be provided to the WAPC for approval before being presented to Council for final adoption.

#### **Consultation**

Should Council proceed with the draft Policy, the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require public advertising for a minimum of 21 days.

#### **Policy and Legislative Implications**

If the local government resolves to adopt an LPP for the purposes of advertising, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy as follows:

- “(a) publish in accordance with clause 87 the proposed policy and a notice giving details of*
  - (i) the subject and nature of the proposed policy; and*
  - (ii) the objectives of the proposed policy; and*
  - (iii) how the proposed policy is made available to the public in accordance with clause 87;*
  - (iv) the manner and form in which submissions may be made; and*
  - (v) the period for making submissions and the last day of that period.”*

As such, public notice will be made available on the City’s website in accordance with the Regulations.

#### **Financial Implications**

Nil.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87 of the Regulations.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

### Attachments

**10.3.3 (a):** Draft Local Planning Policy - Waste Management



## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments August 2024

File Ref: D-24-38640  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 August 2024 to 31 August 2024 for information. It also includes purchase card transactions between 1 July 2024 to 31 July 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(451)	\$3,822,706.84
Cheque Payment to Creditors	(1)	\$253.75
<b>Total Monthly Payments to Creditors</b>	<b>(452)</b>	<b>\$3,822,960.59</b>
EFT Payments to Non-Creditors	(80)	\$101,913.85
Cheque Payments to Non-Creditors	(19)	\$16,943.64
<b>Total EFT &amp; Cheque Payments</b>	<b>(551)</b>	<b>\$3,941,818.08</b>
Credit Card Payments	(89)	\$18,188.89
Fleet Card Payments	(34)	\$2,798.58
<b>Total Payments</b>	<b>(674)</b>	<b>\$3,960,006.97</b>

#### Officer Recommendation

That Council receives the Listing of Payments for the month of August 2024 as detailed in **Attachment (a)**.

#### Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is to be prepared each month and presented to Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

#### Comment

The payment listing for August 2024 is included in **Attachment (a)**.

The attached report includes a "Description" for each payment. The City's officers have used best endeavours to redact (in black) information of a private or confidential nature.

#### 10.4.1 Listing of Payments August 2024

The report records payments are classified as:

- Creditor Payments  
These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference numbers represent a batch number of each payment.
- Non-Creditor Payments  
These are one-off payments that include both cheque and EFT that are made to individuals/suppliers who are not listed as regular suppliers. The reference numbers represent a batch number of each payment.
- Purchase Cards  
Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City's system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

Details of payments made by direct credit to employee bank accounts, in accordance with contracts of employment, are not provided in this report for privacy reasons. The payments of bank fees, such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services, are also not provided in this report.

#### **Consultation**

Nil.

#### **Policy and Legislative Implications**

Regulations 12, 13(1) and 13A of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

#### **Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Monthly Financial reporting timelines exceeding statutory requirements

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

**Attachments**

- 10.4.1 (a): Listing of Payments August 2024

## 10.4.2 Monthly Financial Statements August 2024 and Carry Forward Budget Adjustments

File Ref: D-24-38641  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The detail of the carry forward budget adjustments are provided within **Attachments (j)–(k)**, commentary and a high level analysis are contained in this report.

### Officer Recommendation

That Council:

1. Notes the Financial Statements and report for the month ended 31 August 2024.
2. Adopts the carry forward budget adjustments and changes contained in the Statement of Financial Activity at **Attachment (j)**, as well as the detailed adjustments contained in the Carry Forward Budget Adjustments 31 August 2024 at **Attachment (k)**.

**Absolute Majority Required for 2.**

### Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above, Regulation 35 requires a local government to present a Statement of Financial Position. The 2024/25 budget adopted by Council at its meeting held 25 June 2024, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains only an Original Budget column for comparative purposes. A Revised (adjusted) Budget is not presented as no budget adjustments have been approved by Council.

### Comment

The Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Position and a Statement of Financial Activity are produced monthly. The Statement of Financial Activity is a financial report unique to local government drawing information from other reports to include operating revenue, expenditure, capital income, expenditure, loan funding and transfers to and from reserves.

Despite monetary policy measures taken by the Reserve Bank of Australia (RBA) inflation in Australia have been higher than target, however it would appear the monthly weighted average for the eight capital cities are now confirmed to be trending downward. The July 2023 to July 2024 change of 3.5% compares favourably to the 3.8% for June 2023 to June 2024 and 4% for May 2023 to May 2024, although still higher than the RBA target rates of between 2% and 3%.

To curb the high inflation the RBA have raised interest rates. The cash rate target increased from 0.10% in June 2022 to the current 4.35%. At its August meeting the RBA decided to leave the cash rate target unchanged, stating that the economic outlook remains uncertain and recent data have demonstrated that the process of returning inflation to target has been slow and bumpy.

The RBA also made the following statement at its Board meeting of 6 August 2024: “Inflation has fallen substantially since its peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. But inflation is still some way above the midpoint of the 2–3 per cent target range. In underlying terms, as represented by the trimmed mean, the CPI rose by 3.9 per cent over the year to the June quarter, broadly as forecast in the May Statement on Monetary Policy. But the latest numbers also demonstrate that inflation is proving persistent. In year-ended terms, underlying inflation has now been above the midpoint of the target for 11 consecutive quarters. And quarterly underlying CPI inflation has fallen very little over the past year.”

In framing the Annual Budget 2024/25, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this uncertain time whilst remaining conscious of the need to provide quality services to its community.

Actual income from operating activities for August year-to-date (YTD) is \$57.12m in comparison to budget of \$57.09m, favourable to budget by an insignificant \$0.03m. Actual expenditure from operating activities for July is \$10.38m in comparison to the budget of \$11.04m, favourable to budget by \$0.66m or 5.99%. The August Net Operating Position of \$46.74m is \$0.69m favourable in comparison to budget.

Actual Capital Revenue is lower than budget by \$0.06m, \$0.12m compared to budget of \$0.18m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$0.56m in comparison to the budget of \$0.72m, lower than budget by \$0.16m or 22.41%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$103.21m. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Banks have been pricing in an anticipated rate cut by the RBA, offering average interest rates of 4.70% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of August 2024, the City held 35.85% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

### Carry forward budget adjustments

As described during the Budget deliberations, the estimation of Capital projects that may carry forward from one year to the next is challenging. As it is dependent on many factors including the weather, materials and labour shortages and estimating the completion of work by 30 June by a contractor. As in previous years, there were several Capital projects that require Budget adjustments to recognise carry forward projects.

Like last year - to allow the required carry forward capital budget items to be clearly identified, the budget for the 2024/25 financial year purposefully excluded the carry forward estimates. Two months have passed since budget adoption and there is significantly more clarity regarding carry forward requirements.

**Attachment (j)** the Statement of Financial Activity Revised Budget in the Revised Budget column illustrates the impact of the carry forward adjustments. Detailed adjustments are contained in **Attachment (k)** Carry Forward Budget Adjustments 31 August 2024. It details the required funding source and capital adjustments to affect the carry forward adjustments to the adopted 2024/25 budget.

In summary, Capital grant subsidies and contributions income recognition increase by \$0.20m off set by capital expenditure increases of \$1.59m. The nett impact of the carry forward adjustments is that the \$0 balanced budget position, increases to a deficit position of -\$1.39m. It is anticipated that once the financial year end is finalised and the midyear budget review completed that the nett result will be a budget surplus.

### Consultation

Nil.

### Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 of the Local Government (Financial Management) Regulations 1996.

### Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Monthly Financial reporting timelines exceeding statutory requirements

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

### Attachments

10.4.2 (a):	Statement of Financial Position
10.4.2 (b):	Statement of Change in Equity
10.4.2 (c):	Statement of Financial Activity
10.4.2 (d):	Operating Revenue and Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue and Expenditure
10.4.2 (g):	Statement of Council Funds
10.4.2 (h):	Summary of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories
10.4.2 (j):	Statement of Financial Activity Revised Budget
10.4.2 (k):	Carry Forward Budget Adjustments 31 August 2024

## 10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.5.1 Internal Audit - Review of the Internal Audit Log

File Ref: D-24-38643  
Author(s): Garry Adams, Director Corporate Services  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report tables the Internal Audit Review of the Internal Audit Log in accordance with the City's Strategic Internal Audit Plan 2022/2023 to 2026/2027.

The review contains one audit finding, with notations and observations. The audit includes strengths, weaknesses, rating, issues, recommendations and management comments.

#### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Ms Shona Zulsdorf  
**Seconded:** Mr Warwick Gately

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the Internal Audit Review of the Internal Audit Log contained in **Confidential Attachment (a)**; and
2. Accepts the one finding and associated recommendation contained in Section 5.3 of the Internal Audit Review of the Internal Audit Log, be added to the Audit Register.

**CARRIED (6/0)**

**For:** Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

**Against:** Nil.

#### Background

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations.

#### Comment

The Internal Audit Review of the Internal Audit Log is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

The Internal Audit function is an essential component of the City's continuous improvement process and findings are welcome. All items included in the Audit Register are reported at each subsequent ARGC meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and officer comments.



### 10.5.1 Internal Audit - Review of the Internal Audit Log

Various business units are responsible for providing quarterly updates of findings included in the Audit Register relating to their activities. As these issues are addressed and any identified future action implemented, a recommendation will be included to close the finding. Closed findings will no longer be reported in the Audit Register to the ARGC, but will be accessible by the Internal and External Auditors to review compliance.

Paxon have completed a review of the City's audit register as contained in **Confidential Attachment (a)** based on the status as of 14 December 2023. At that time a total of 99 actions were contained within the register; following evidence provided by the City and investigation by Paxon, 64 of these actions were certified as complete by Paxon. The remaining 35 actions were noted as being at various stages of completion.

On receipt of the review a detailed response was provided to Paxon which is contained in **Confidential Attachment (b)**. The 35 outstanding actions relate to 21 individual findings which sit across the responsibility of various business units. The function of managing the remediation of identified findings within the context of managing the regular day to day functions of the City can be a complex task. While it is acknowledged that there has been a delay in meeting the agreed target date in relation to some actions, this has primarily been caused by challenges in resourcing and the delay of the implementation of some information system modules.

The City's objective is to mitigate audit findings with a significant risk rating so that they move from significant to a reduced risk rating which is aligned with the City's accepted risk tolerance level. Moving forward it is expected that progress will continue to be made in relation to outstanding actions, prioritised by risk rating and operational requirements. An audit register review is a moving target as the City is continuously remediating open findings. This is demonstrated in the Audit Register Progress Report – 4<sup>th</sup> Quarter Update presented to the ARGC at this meeting, which provides a current update of the progress of all open findings, with 12 being recommended for closure.

#### **Consultation**

Nil.

#### **Policy and Legislative Implications**

The Internal Audit function is considered a business improvement process that will assist in compliance with the Local Government (Financial Management) Regulations 5 (CEO's duties as to financial management) and the Local Government (Audit) Regulations 17 (CEO to review certain systems and procedures).

#### **Financial Implications**

The Internal Audit function has a budget of \$40,000 for the 2024/25 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers effort to undertake the improvements and report on progress has not been estimated.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.</p>

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.4 Maintain a culture of continuous improvement

**Attachments**

- 10.5.1 (a): Internal Audit Review of the Internal Audit Log (*Confidential*)
- 10.5.1 (b): Response to Audit Log Review (*Confidential*)

## 10.5.2 Quarterly Activity Report

File Ref: D-24-38644  
Author(s): Christine Lovett, Senior Governance Officer  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

This report outlines the activities undertaken or proposed by the City of South Perth relating to Risk Management, Business Continuity and Workplace, Health, and Safety during first quarter of the 2024/25 financial year and an overview of the activities planned for the second quarter.

### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Ms Shona Zulsdorf  
**Seconded:** Mr Warwick Gately

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the details of the Quarterly Activity Report as contained in the body of the report;
2. Notes the two Corporate Operational Risks being escalated as contained within the report; and
3. Endorses the Strategic Risk Register as contained in **Confidential Attachment (a)**.

**CARRIED (6/0)**

**For:** Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

**Against:** Nil.

### Background

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include the City's compliance with Regulation 17 of the Local Government (Audit) Regulations 1996 (the audit regulations).

The responsibility of the Chief Executive Officer (CEO) in relation to Regulation 17 of the audit regulations includes reviewing the appropriateness and effectiveness of the City's systems and procedures in relation to:

- a) risk management;
- b) internal control; and
- c) legislative compliance.

This activity report will provide an update on the City's Risk Management, Business Continuity and Workplace Health and Safety activities undertaken for the previous quarter and identifies proposed activities for the upcoming quarter.

Information contained in this report will assist the ARGC in fulfilling their responsibilities as they relate to Regulation 17 of the audit regulations.

### Comment

#### 1) Strategic Risk Register

The Strategic Risk Register (register) has been developed in consultation with the City's Elected Members and external members of the ARGC. The register was last endorsed by the ARGC at its meeting held 11 June 2024.

The register, as contained in **Confidential Attachment (a)**, has been reviewed by the Executive Management Team with all amendments identified in red text within the register.

This register is presented to the ARGC for review and endorsement prior to submission to Council for endorsement.

#### 2) Operational Risk Register

The Internal Risk Management Committee (IRMC) met on 6 August 2024 at which time the Operational Risk Register was presented for review.

The following two risks having been reviewed and remain at a high risk rating. In accordance with the requirements of the Risk Management Framework 2024 these risks are presented to the ARGC for review and noting.

##### i. Corp Risk 1.2 Physical security of City Officers and Assets

Outcome: Health/Injury

Due to hostile incidents which have occurred at City facilities, the residual likelihood of this risk event occurring remains as Possible, with the risk rating remaining as High.

##### Controls

Established Corporate policies, management practices, procedures and strategies including:

- Communications on 'increased alert level' provided via email.
- External provider engaged for building security.
- Swipe card access to staff administration areas.
- Additional security cameras installed at Animal Care Facility, George Burnett Leisure Centre and Civic Centre Customer Service.
- Audio communication on CCTV at Waste Kiosk (completed) and thermographic camera to be installed at Recycling Centre 'battery storage area'.
- Personal duress alarm for Animal Care Facility Officers working alone.

- Training and awareness sessions provided.
- Cashless operations at the Civic Centre.
- Additional exit door installed in Development Services meeting room.
- Security gate and fencing installed at the Civic Centre staff carpark.
- Operations and Recycling Centre – main entry gates closed to the public outside business hours.
- Security screens on all windows at Animal Care Facility.

Further actions/comments

- Develop and review policies and management practices to address security access.
- Further rollout/renew/upgrade of CCTV at all City buildings.
- Physical review of security at the Animal Care Facility, Rangers Office and Operations Centre reception area currently in progress.
- Review of National Terrorism Threat Level.

ii. **Corp Risk 5.0 Dependency on contractors to deliver key project/services.**

Outcome: Service Interruption

Due to the current labour market the residual likelihood of this event occurring remains as Possible, with the risk rating remaining as High.

Controls

- Robust supplier selection.
- Use of WALGA preferred suppliers.
- Procurement Management provided by the Finance Services Business Unit.
- Relationship management.

Further Actions/Comments

- Review contracts.
- Review public liability insurance levels (required by contractors).
- Consider the establishment of panel of contractors.
- While the residual rating of this risk is high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community. Where necessary, key communication methods are utilised to inform our community of any delays/interruption to the expected delivery of a project or service.

**3) Business Continuity**

A Business Continuity Management Framework (BCMF) has been developed and was presented and noted at the 12 September 2023 ARGC Meeting. Progress has been continuing towards full implementation of all steps associated with the new BCMF.

**4) ISO 45001 Work Health and Safety**

The Executive Management Team, Work Health, and Safety - Safety Management System meeting was held in July 2024 at which time the WHS Annual Target and Objectives for 2023/24 were reviewed and finalised with the Annual Target and Objectives adopted for 2024/2025.

**5) Planned Activities**

The following activities are planned (subject to the availability of organisational officers) for the second quarter of the 2024/25 financial year:

System/Procedure	Activity	Expected Outcome
Risk Management	Operational risks to be reviewed on a quarterly basis	The City's Corporate Operational Risk register to be as current as reasonably practicable.
Risk Management	Development of further fraud and corruption training	Increased knowledge within the City's business units in order to further protect resources and information and safeguard the integrity and reputation of the City.
Business Continuity	Business Continuity Plans to be reviewed in accordance with the requirements of the Business Continuity Management Framework	The City's Business Continuity Plans to be as current as reasonably practicable.
Risk Management	Management Practice M695 Risk Management	Sound risk management practices and procedures to be further integrated into the City's strategic and operational planning process and day to day business practices.
Risk Management	Provide training program for identified officers	Provide support and guidance to officers ensuring they have familiarity with the City's risk management practices.
Workplace, Health and Safety	Continue to implement the annual Targets & Objectives	Targets are on track to be achieved for 2024/2025.

**Consultation**

Nil.

**Policy and Legislative Implications**

- Reg 17 (1) (a) (b) and (c) of the Local Government (Audit) Regulations 1996
  17. CEO to review certain systems and procedures
    - (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
      - (a) risk management;
      - (b) internal control; and
      - (c) Legislative compliance
- *Work Health and Safety Act 2020*

**Financial Implications**

Nil.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Continuous review and improvement in relation to all Risk Management, Business Continuity and Workplace Health and Safety activities.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.4 Maintain a culture of continuous improvement

**Attachments**

- 10.5.2 (a): Strategic Risk Register (*Confidential*)

### 10.5.3 Audit Register Progress Report - 4th Quarter Update including External Audit Interim Report

File Ref: D-24-38645  
Author(s): Christine Lovett, Senior Governance Officer  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee and Council.

This report also confirms to the Audit, Risk and Governance Committee that the Interim (External) Audit of the 2023/24 Annual Financial Statements have been finalised with no findings to report. Consequently, with reference to this audit there are no new items to record in the Audit Register.

#### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Ms Shona Zulsdorf

**Seconded:** Mr Warwick Gately

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.
3. Notes that the Interim (External) Audit of the 2023/24 Annual Financial Statements have been finalised with no findings to report.

**CARRIED (6/0)**

**For:** Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

**Against:** Nil.

#### Background

The confidential Audit Register as contained in **Confidential Attachment (a)** lists internal and external audit findings and describes the progress of implementing improvements and the percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

The External Audit, also known as Financial Audits or Audit of the Annual Financial Statements are conducted separately from Internal Audit. Internal Audit focuses on improving systems and processes, from a risk-based approach. External Audit focuses on providing an objective independent examination of the financial statements prepared by the City, increasing the value and user confidence in the financial statements.



### Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action.'

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee (ARGC), with a recommendation that the Finding be closed.

The Audit Register has been formatted to ensure clarity as detailed below:

1. Where a Finding has more than one Agreed Management Action, it is represented with double lines around that entire Finding. There are currently no open findings with more than one Agreed Management Action;
2. Updates in relation to each Finding are displayed in chronological order i.e. latest update appears at the bottom of each Finding;
3. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
4. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

The ARGC is requested to recommend that Council note the progress and officer comments. In addition, it is recommended all Findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

In June 2024 the Office of the Auditor General (OAG) conducted Interim (External) Audit of the 2023/24 Annual Financial Statements. The OAG have subsequently confirmed that with reference to the Interim Audit there are no findings to report, consequently there are no new findings for inclusion in the Audit Register and no Interim Audit Report has been produced by the OAG.

### Strategic Internal Audit Plan

Work has been progressing with scheduled audits which were identified in the Strategic Internal Audit Plan presented to the 13 March 2023 ARGC meeting. The Project & Program Management Audit is expected to be presented at the November 2024 Audit, Risk and Governance Committee meeting.

### Consultation

Nil.

### Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

### Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2024/25 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers effort to undertake the improvements and report on progress has not been estimated.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the ARGC. There is no future reported on closed out actions.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

### Attachments

**10.5.3 (a):** Audit Register Report (*Confidential*)

## 10.5.4 Policy Review

File Ref: D-24-38646  
Author(s): Toni Fry, Manager Governance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. A number of policies are now presented for the consideration of the Committee and referral to Council for adoption.

### Officer Recommendation AND COMMITTEE RECOMMENDATION

**Moved:** Ms Shona Zulsdorf  
**Seconded:** Mr Warwick Gately

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopts the following revised policies with amendments as shown in **Attachment (a)**:

P102	Community Funding Program
P104	Community Awards
P106	Use of City Reserves and Facilities
P110	Financial Support of Community Organisations and Sporting Clubs
P118	Library Collection Development
P603	Investment of Surplus Funds
P605	Purchasing
P677	State Administrative Tribunal

2. Revokes the following policies as shown in **Attachment (b)**:

P105	Cultural Services Activities
P117	Library Services and Programs
P119	City of South Perth Local History Collection
P205	Tree Preservation
P208	Ecologically Sustainable Building Design
P687	Development of Council Owned Land

**CARRIED (6/0)**

**For:** Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

**Against:** Nil.

## Background

In line with contemporary organisational models, the policy framework aligns policies to the City's Strategic Directions as contained in the Community Strategic Plan 2021-2031.

City Officers have been reviewing policies on a progressive basis during the 2024 calendar year. Each policy has been considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The review may identify a need to revise the policy, revoke the policy or that no change is needed.

During this review, there were no new policies drafted for consideration.

## Amended Policies

The policies listed below and at **Attachment (a)** are recommended with amendments as shown by track changes in each document.

A small summary explaining the amendments has been provided in the table below:

### P102 Community Funding Program

It is proposed that the maximum grant amount for Individual Development Grants be removed from the policy. The content proposed to be removed from this policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M102). Council considers the funding allocation for the Individual Development Grants as part of the approval process for the City's annual budget.

### P104 Community Awards

The content proposed to be removed from this policy relates to some community awards that are no longer operational/obsolete. This includes Volunteer of the Year Awards, the Dr Ted Maslen Memorial University Exhibition Award and the High School Scholarship Awards.

### P106 Use of City Reserves and Facilities

The content proposed to be removed from this policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M106).

In addition to the removal of content within this policy, it is recommended that the following additions be included:

- Provisions for the City to assess applications for the use of fireworks.
- A description of an act that is considered to be busking has been included along with the provision that it will be assessed in accordance with M106 Use of City Reserves and Facilities.
- Large scale events have been updated to be events with over 2,000 people.

Events like charity walks can exceed 500 people. Changing the definition of a large scale event provides the City with the ability to facilitate more of these low risk events. This is to provide the City with clear guidelines of the requirements for these applications.

### P110 Financial Support of Community Organisations and Sporting Clubs

The proposed new policy content is aimed to enhance the oversight of the provision of funding to local community organisations and sporting clubs.

Capital improvements to City owned or managed land that are initiated by the City are excluded from this policy.

Community Funding Program has been included and provides groups with the option to apply for minor capital upgrades. These applications will be assessed in accordance with the eligibility requirements of the assessment criteria.

### P118 Library Collection Development

In April 2024, the 'Library Services' Business Unit updated their name to be 'Community Learning and Libraries' and restructured the department to have three streams of service. This policy has been updated to reflect the new department name and to reflect the role specific duties of the City's Collection and Development Librarian. This is in relation to overseeing the selection of resources and materials for the City.

### P603 Investment of Surplus Funds

It is proposed that the policy be updated to allow the City to place 30% of total funds invested, as opposed to the current 25% with one institution. This change is needed as there are instances where only some of the largest banks in Australia are currently offering competitive rates above the general market averages. The change will allow the City to place more funds with these larger higher rated banks (typically the big 4 Australian Banks) with an improved return on investment with very little increase in risk.

### P605 Purchasing

The purchasing thresholds have been amended to reflect the general price increases of the goods and services due to rising input costs and wage increases in businesses. In increasing the thresholds, the City will be able to maintain administrative efficiency.

### P677 State Administrative Tribunal

P677 provides guidance for ensuring that such Council decisions are appropriately defended in the event of an application for review being lodged with the State Administrative Tribunal.

P677 has been updated to:

- Clarify that no appointment of legal representation can be made in certain circumstances in accordance with Section 239 of the *Planning and Development Act 2005*; and
- Provide criteria in relation to seeking an order relating to costs against an applicant.

### **Policies to be revoked**

The policies listed below and at **Attachment (b)** are recommended to be revoked for the reasons detailed below:

#### P105 Cultural Services Activities

Council considers the funding allocation for community events and cultural projects as part of the approval process for the City's annual budget. It is proposed that this policy be revoked as community events and cultural services delivered by the City are based on community feedback and then subsequently approved by Council through the budget process.

#### P117 Library Services and Programs

This policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M117).

#### P119 City of South Perth Local History Collection

This policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M119).

#### P205 Tree Preservation

P205 encourages Officers and residents to recommend trees, considered to be of City-wide significance, for inclusion in the Register of Significant Trees, relating to Tree Preservation Orders created under former Town Planning Scheme No. 6.

In considering Local Planning Scheme No. 7 (LPS7) for final adoption, the Minister for Planning required that the Tree Preservation Orders be deleted, on the basis that the State Government is undertaking a strategic review of tree retention.

The proposed supplemental provisions in draft LPS7 effectively as Tree Preservation Orders are no longer provided in LPS 7, P205 is redundant and is recommended for revocation.

#### P208 Ecologically Sustainable Building Design

P208 seeks to endorse and embrace the principles of Ecologically Sustainable Development through building design guidelines for City buildings and related projects including greenfield and brownfield developments. It provides that the City will agree to support sustainable development in its building design - by utilising environmentally sustainable design (ESD).

The Policy refers to incorrect references and obsolete strategies. Given section 3.1 of the *Local Government Act 1995* requires Council to (i) promote the economic, social and environmental sustainability of the district; (ii) to plan for, and to plan for mitigating, risks associated with climate change; and (iii) in making decisions, to consider potential long-term consequences and impacts on future generations; and that the City would comply with ESD requirements of the National Construction Code and the principles of the Green Building Council of Australia in any instance, the Policy is considered suitable for revocation.

### P687 Development of Council Owned Land

This policy is intended to cover applications involving significant developments on Council owned or controlled land for commercial purposes (rezoning and development of land) and provides for the appointment of an independent, appropriately qualified professional to assess any proposals to this effect.

The City has in-house expertise related to planning and land administration and the requirement to always appoint an external consultant to prepare and assess such proposals is not considered an effective use of resources. The City can seek independent expert advice where required.

Proposals involved rezoning, development assessment or undertaking a major land transaction or trading undertaking require statutory processes to be undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the *Local Government Act 1995*, including public consultation. This legislation requires a Council resolution to proceed with such proposals and as such, Council has oversight of these decisions.

It is recommended that P687 be revoked to enable the City to prepare proposals for development of Council owned land for Council's consideration.

#### Consultation

Nil.

#### Policy and Legislative Implications

The reviewed policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

#### Financial Implications

Nil.

#### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Review of all City policies on a regular basis.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

### Attachments

10.5.4 (a):	Policies to be Amended
10.5.4 (b):	Policies to be Revoked



11. APPLICATIONS FOR LEAVE OF ABSENCE



## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1 NOTICE OF MOTION - COUNCILLOR ANDRÉ BRENDER-A-BRANDIS - LOCAL HERITAGE SURVEY REVIEW INDEPENDENT CONSULTANT REVIEW

File Ref: D-24-38647  
Author(s): Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

Councillor André Brender-A-Brandis submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 September 2024.

#### Notice of Motion Recommendation (Suggested Officer Recommendation page 70)

That Council:

1. Requests the Chief Executive Officer appoint an independent heritage consultant to review the public nominations received [per Agenda Item: 10.3.1 Local Heritage Survey Review, 27 August 2024 Ordinary Council Meeting] during the call for nominations to determine their classification and inclusion in the Local Heritage Survey.
2. Amends the 2024/25 budget to include an allocation of \$80,000 for an independent heritage consultant to review and assess the public nominations received on the Local Heritage Survey.

**Absolute Majority Required for 2.**

#### Background

Councillor André Brender-A-Brandis submitted a Notice of Motion regarding the Local Heritage Survey review. The reasons for the Notice of Motion are as follows:

1. *The 28 May 2024 OCM report recommended endorsement of the draft LHS and proposed Place Records for advertising but was deferred for another workshop to be facilitated prior to the 27 August 2024 OCM where the matter was further debated and adjourned until the December 2024 OCM.*
2. *At the 27 August 2024 Ordinary Council Meeting (OCM), the administration noted the expectation for Councillor Brender-A-Brandis to separately present a notice of motion, providing direction for the engagement of an external independent heritage consultant to undertake a review of the 'new place' nominated properties, for inclusion in the draft Local Heritage Survey (LHS).*
3. *Community members have invested a significant amount of time nominating properties for consideration and inclusion in the draft LHS and have also compared the listed local heritage properties with neighbouring metropolitan local governments. The comparison of the City's draft local heritage listings to neighbouring local governments has raised community concerns as to the assessment process and consequential categorisation of nominated properties.*

12.1 **Notice of Motion - Councillor André Brender-A-Brandis - Local Heritage Survey Review Independent Consultant Review**

4. *Of the 33 new place nominations, only two have been identified for a categorisation level 2, and none have been identified for categorisation at a level 1.*
5. *Prior to the endorsement of the draft LHS and proposed Place Records for advertising at the December 2024 OCM, a review by an accredited heritage consultant should be undertaken to ensure an independent and objective assessment is undertaken to confirm the appropriate categorisation of new place nominations.*

**Comment**

Call for Nominations

The call for nominations is the first step in identifying places that may be of cultural heritage significance. The Guidelines for Local Heritage Surveys (Guidelines) recommend that a general review of the Local Heritage Survey (LHS) should invite nominations from the community for places to be assessed for their local heritage significance.

Once received, the nominated places are then assessed for cultural heritage significance and if suitable for inclusion, a draft place record is prepared. The City received a total of 49 nominations or requests to amend place records through this process.

In accordance with the Guidelines, while landowners should be advised of the assessment process and invited to participate, the assessment of a place for inclusion in the draft LHS should not be conditional on landowner support.

Public Consultation and Assessment

The classification afforded to each place in the draft LHS has been determined by the City in accordance with relevant Heritage Council Guidelines. The public consultation period following adoption of the LHS for the purposes of advertising is the appropriate stage to receive feedback from landowners and the public as to the draft classification of each property (i.e. Category 1-4), or whether the place should be included in the LHS.

The Guidelines provide for an assessment process for cultural heritage significance, including that the assessment may be overseen by an advisory group or guided by a suitability qualified and experienced heritage professional.

Should a landowner dispute the classification or information in the draft place record during advertising, the City intends to seek advice from an independent qualified heritage consultant. Should the classification or draft place record require modification, the draft LHS would be updated prior to consideration by Council for final adoption, including details of any proposed change.

In this respect, it is not considered necessary that an independent heritage consultant would review the public nominations prior to advertising of the draft LHS.

Heritage List

The preparation of the future Heritage List is a separate regulatory process in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

Whilst the adopted LHS will be used to inform the Heritage List, and the City considers it appropriate that Category 1 and 2 places from the LHS be used as the basis for the Heritage List, there is no requirement for these places to be included. Council may determine any iteration of places it considers appropriate for the future Heritage List, and the City will consult with landowners in accordance with the Regulations accordingly prior to Council adopting the Heritage List.

**Consultation**

Landowners of existing places in the LHS were advised in writing of the call for nominations and requests for updates to existing places. Landowners of new places nominated through this process were advised that their place had been nominated, whether it is recommended by the City to be included in the LHS, and details of the consultation period where they can provide comment once the draft LHS is adopted by Council for the purpose of advertising.

**Policy and Legislative Implications**

The *Heritage Act 2018* (the Act) requires that a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.

Whilst the LHS must be prepared, reviewed and updated in accordance with the Guidelines, the Act expressly states that nothing in the above requirements:

- (a) derogates from the duty of the local government to exercise its discretion in a particular case; or
- (b) precludes the local government from taking into account matters not set out in the guidelines.

As such, Council may determine which places are included in the LHS.

**Financial Implications**

An allocation of \$10,000 was included in the 2024/25 Annual Budget for the purposes of an independent heritage consultant reviewing draft Place Records where a landowner disputes the classification or information in the draft Place Record during advertising.

An allocation was not made for review of all public nominations prior to advertising of the draft LHS. The City has sought estimated costs from an independent heritage consultant for the review of nominations and associated advice.

Should Council proceed with the Notice of Motion, a budget allocation of \$80,000 is recommended and an absolutely majority decision of Council is required to include a line item in the budget for this purpose.

## Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p> <p><b>Financial Loss</b></p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services.</p>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	<p>The City has prepared the LHS in accordance with the Guidelines for Local Heritage Surveys.</p> <p>No allocation has been made in the adopted 2024/25 annual budget for an independent heritage consultant to review public nominations. Inclusion of a line item in the budget for this purpose will ensure funds are available.</p>

## Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

**Suggested Officer Recommendation**

That Council notes that should a landowner dispute the classification or information in the draft Place Record during advertising of the draft Local Heritage Survey, the City intends to seek advice from an independent qualified heritage consultant which may be used to inform the draft Local Heritage Survey for final adoption.

Reason for Alternative Recommendation

It is not a statutory requirement, nor is it considered necessary that an independent heritage consultant reviews the public nominations prior to advertising of the draft LHS for the reasons outlined in this report.

**Attachments**

Nil.

## 13. QUESTIONS FROM MEMBERS

### 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the August 2024 Ordinary Council Meeting can be found in the Appendix of this Agenda.

### 13.2 QUESTIONS FROM MEMBERS: 24 SEPTEMBER 2024

## 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

## 15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### Officer Recommendation

That the following Agenda Item be considered in closed session, in accordance with s5.23(2) of the *Local Government Act 1995*:

15.1.1 Execution of Payments Direction Deed and Adoption of the Revised Charter for the Operations of the Rivers Regional Subsidiary

#### 15.1.1 Execution of Payments Direction Deed and Adoption of the Revised Charter for the Operations of the Rivers Regional Subsidiary

File Ref: D-24-38648  
Author(s): Con Angelidis, Manager Waste, Fleet & Facilities  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

## 16. CLOSURE

## APPENDIX

### 13.1 QUESTIONS FROM MEMBERS taken on notice OCM 27 August 2024

Councillor Hayley Prendiville	Response provided by: Anita Amprimo – Director Infrastructure Services
<p>1. I would just like to enquire if we have any updates on the Kensington Underground Power?</p>	<p>A. Detailed Design by Western Power Status: Completed.</p> <p>B. Construction Feasibility Review and Draft Funding Agreement Status: In Progress. Expected completion by Western Power by the end of October 2024.</p> <p>C. Council Endorsement of Final Funding Agreement and Fees Status: Pending. Expected to occur before 31 December 2024.</p> <p>D. Construction Status: Not Started. Projected to begin in February 2025 with an estimated completion time of 15-18 months. This is contingent upon the Council’s adoption of the final funding agreement and fees (see Section C).</p> <p>E. Issuance of Fee Notices and Charges Status: Not Issued. Expected to be issued in July 2025, pending adoption in the FY 2025/26 budget.</p>